

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CORNELIO GONZALEZ, *et al.*,

Plaintiffs,

-against-

58 WEST LLC d/b/a LOI ESTIATORIO, *et al.*,

Defendants.

19cv07694 (DF)

**ORDER OF DISMISSAL**

**DEBRA FREEMAN, United States Magistrate Judge:**

In this action under the Fair Labor Standards Act and the New York Labor Law, which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement in principle to resolve the action, have placed their proposed settlement agreement before the Court for approval. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements). With Defendants' consent, Plaintiffs have also submitted a letter to the Court, explaining why they believe the proposed settlement agreement is fair, reasonable, and adequate. (Dkt. 103.) The Court has reviewed Plaintiffs' submission in order to determine whether the proposed agreement (Dkt. 103-1) represents a reasonable compromise of the claims asserted in this action, and, in light of the totality of the relevant circumstances, including the representations made in Plaintiffs' letter, the terms of the proposed settlement agreement, and the Court's general familiarity with the action, it is hereby ORDERED that:

1. The Court finds that the terms of the proposed settlement agreement are fair, reasonable, and adequate, both to redress Plaintiffs' claims in this action and to compensate Plaintiffs' counsel for their legal fees, and the agreement is therefore approved.

2. The Court notes that Plaintiffs have explicitly requested that the Court retain jurisdiction over this action to enforce both the parties' settlement agreement and a consent judgment that has been executed as a guarantee of performance (*see* Dkt. 103, at 1), and that the parties have agreed to this as part of their settlement (*see* Dkt. 103-1 ¶ 10). In light of this, and in order to effectuate the evident intent of the parties, this Court will retain jurisdiction over this matter for those stated purposes.

3. As a result of the Court's approval of the parties' executed settlement agreement, this action is hereby discontinued with prejudice and without costs or fees to any party. The Clerk of Court is directed to close this case on the Docket of the Court.

Dated: New York, New York  
March 2, 2022

SO ORDERED



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DEBRA FREEMAN  
United States Magistrate Judge

Copies to:

All counsel (via ECF)